

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

N.B.A.,

3:09-CV-1338-PK

OPINION AND
ORDER

Plaintiff,

v.

THE ARCHDIOCESE OF PORTLAND
IN OREGON, THE ROMAN CATHOLIC
ARCHBISHOP OF THE ARCHDIOCESE
OF PORTLAND IN OREGON, and ST.
LUKE'S CATHOLIC CHURCH,

Defendants.

PAPAK, Magistrate Judge:

Plaintiff N.B.A., proceeding anonymously, filed this action against defendants The Archdiocese of Portland in Oregon (the "Archdiocese"), The Roman Catholic Archbishop of the Archdiocese of Portland in Oregon (the "Archbishop" and, collectively with the Archdiocese, the

"archdiocesan Defendants"), and St. Luke's Catholic Church on November 12, 2009. This court has jurisdiction over plaintiff's action pursuant to 28 U.S.C. § 1334(b), based on the relatedness of these proceedings to *In re Roman Catholic Archbishop of Portland ("RCAP")*, 04-37154, a case arising under Title 11 of the United States Code. Specifically, this action is subject to the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *RCAP*, which, in relevant part, sets a \$20 million cap on the total funds available to pay all claims made against the archdiocesan defendants through 2023.

Now before the court is defendants' unopposed motion (#19) to approve the settlement of this case and to approve payment from the future claims trust. For the reasons set forth below, the motion is granted and the settlement is approved.

The parties report their dispute settled. Under the terms of the reported settlement, N.B.A. will receive \$150,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to N.B.A. out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against any archdiocesan defendant, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On December 1, 2011, defendants served the requisite notice by mail on all of the necessary parties. The period for filing objections to this court's approval of the parties'

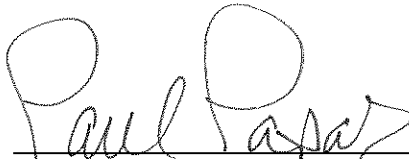
settlement lapsed December 27, 2011. No objection to this motion has been filed.

In the absence of objection by any interested party, and in consideration of the size of the payments at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. Defendants' motion is therefore granted, and the parties' settlement approved.

CONCLUSION

For the reasons set forth above, defendants' motion (#19) to approve the settlement of this case and to approve payment from the future claims trust is granted, the settlement agreed to by the parties is approved, and payment to N.B.A. of \$150,000 from the future claims trust is authorized.

Dated this 29th day of December, 2011.



Honorable Paul Papak
United States Magistrate Judge